

BEFORE THE BOARD OF OCCUPATIONAL THERAPY PRACTICE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.165.404 application for) ON PROPOSED AMENDMENT
licensure, ARM 24.165.407 examinations,)
and ARM 24.165.2101 continuing education)

TO: All Concerned Persons

1. On April 13, 2006, at 1:30 a.m., a public hearing will be held in room 489, Park Avenue Building, 301 South Park, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Occupational Therapy Practice no later than 5:00 p.m., April 7, 2006 to advise us of the nature of the accommodation that you need. Please contact Helena Lee, Board of Occupational Therapy Practice, 301 South Park, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2385; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdotp@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.165.404 APPLICATIONS FOR LICENSURE (1) Applications for an original license or temporary practice permit must be made on forms provided by the ~~board~~ department and completed and signed by the applicant, with the signature acknowledged before a notary public.

(2) through (8) remain the same.

AUTH: 37-1-131, 37-24-201, 37-24-202, MCA

IMP: 37-24-302, MCA

REASON: It is reasonable and necessary to amend this rule as a means of keeping with the intent of HB 182, which became effective July 1, 2005. HB 182 generally revised and consolidated professional and occupational and licensing laws and provided distinction between department and board duties regarding licensure; requirement of standardized forms and removal of specific board references if duties are assigned to the department or provided generally to all boards.

The amended rule implements the change in distinction between department and board.

24.165.407 EXAMINATIONS (1) ~~For the purposes of 37-24-304(2), MCA, the board adopts as its examination the examinations examination in existence on May 30, 1986, offered through the National Board of Certification in Occupational Therapy (NBCOT).~~

(2) through (5) remain the same.

AUTH: 37-1-131, 37-24-201, 37-24-202, MCA

IMP: 37-24-304, MCA

REASON: It is reasonable and necessary to amend this rule as a means of eliminating a nineteen year old fixed date in identifying the examination adopted by the board. The board continues to recognize the National Board of Certification in Occupational Therapy (NBCOT) as its examination.

24.165.2101 CONTINUING EDUCATION (1) On a form provided by the ~~board~~ department, all applicants for renewal of licenses shall affirm on the renewal form that they have completed ten contact hours of continuing education as provided in this rule, ~~as a condition to establish eligibility for renewal.~~ The continuing education requirement will not apply until the licensee's first full year of licensure.

(2) through (10) remain the same.

AUTH: 37-1-319, 37-24-202, MCA

IMP: 37-1-306, 37-1-319, MCA

REASON: It is reasonable and necessary to amend this rule as a means of keeping with the intent of HB 182, which became effective July 1, 2005. HB 182 generally revised and consolidated professional and occupational and licensing laws and provided distinction between department and board. This amended rule implements the change in distinction between department and board.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Occupational Therapy Practice, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdotp@mt.gov, and must be received no later than 5:00 p.m., April 21, 2006.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at <http://www.otp.mt.gov>. The department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties

in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Occupational Therapy Practice maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Occupational Therapy Practice administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Occupational Therapy Practice, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdotp@mt.gov, or may be made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

BOARD OF OCCUPATIONAL THERAPY
PRACTICE
DEB AMMONDSON, CHAIRPERSON

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 13, 2006